IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.315 OF 2006

Shashidharan Nair, .. Petitioner
Vs
The Premier Automobiles and Anr .. Respondents.

Ms D'Souza i/b M/s M.P.Vashi & Associates, for the petitioner.
Mr Sanjog S Parab, for respondent no.1.
Mrs M.H.Mhatre, APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 8th AUGUST, 2006

P.C.:

1. Leave to convert the criminal writ petition into Revision, is allowed. Amendment to be carried out during the course of the day.

2. Rule. Returnable forthwith. The learned counsel for the respondents waive service. By consent of the learned counsel for the parties, rule is heard forthwith.

3. Ms.D'Souza, learned counsel for the petitioner, on instructions, submits that she is not pressing this revision on merits and the petitioner would be satisfied if the sentence is reduced to undergone. She further submits that the petitioner-accused has already handed over the vacant possession of the premises situate at D-1/8, Premier Automobile Colony at L.B.S.Marg, Kurla, Mumbai-70. Mr Parab, learned counsel for the respondent-company,

confirms that the respondent-company has received the possession of the aforesaid premises on 3.8.2006. He further on instructions states that the respondent-company has no objection if the sentence of the petitioner is reduced to undergone. It appears that the petitioner was taken into custody after dismissal of the appeal by the Sessions Court vide its judgment and order dated 14.7.2006 on 31.7.2006 and so far has undergone the sentence of seven days. The petitioner has already paid the amount of fine. Keeping that in view and considering the submissions of the learned counsel for the parties, I pass the following order.

(a) The judgment and order of conviction under section 630(1)(a) (b) of the Companies Act stands confirmed. The sentence awarded by the court below stands reduced to the undergone period of sentence. The petitioner-accused is accordingly directed to be set at liberty, if not required in any other case.
(b) The revision application is disposed of.

(D.B.BHOSALE,J.)